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Superior Court Of California
County Of Los Angeles

MAY 15 2017

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NO FEE-GOV'T CODE 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

vs.

GUILLERMO H. GONZALEZ aka GUILLERMO
GONZALEZ and WILLIAM H. GONZALEZ, an
individual; NEREYDA BON GONZALEZ aka
NEREYDA GONZALEZ, an individual; and DOES 1
through 50, inclusive,
Defendants.

CASE NO: **BC 6 6 1 3 7 8**
**COMPLAINT FOR ABATEMENT
AND INJUNCTION**

[HEALTH & SAFETY CODE
SECTION 11570, *ET SEQ.*; CIVIL
CODE SECTION 3479, *ET SEQ.*;
BUSINESS & PROFESSIONS CODE
SECTION 17200, *ET SEQ.*]

(Unlimited Action)

1 PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

2 **I. INTRODUCTION**

3 1. This action ("Action") is brought and prosecuted by Plaintiff, the People of the
4 State of California (the "People"), for the purpose of abating, preventing and enjoining a long-
5 standing and notorious gang and narcotics-related public nuisance existing at a property with
6 an address commonly known as 2612 Idell Street, Los Angeles, CA. 90065 (the "Property").
7 The Action is brought pursuant to the Narcotics Abatement Law ("NAL"), California Health and
8 Safety Code section 11570, *et seq.*; the Public Nuisance Law ("PNL"), California Civil Code
9 sections 3479-3480; and the Unfair Competition Law ("UCL"), California Business and
10 Professions Code section 17200, *et seq.*

11 2. The Property, which is located in Cypress Park, a neighborhood in Northeast Los
12 Angeles, is a two-story 30-unit apartment building with communal bathrooms, showers and a
13 kitchen.

14 3. Since at least 1989 the Property has been, and currently is, a haven for gang and
15 narcotics activity. It is inhabited by members and associates of various neighborhood street
16 gangs that use the Property to conduct their narcotics operation with impunity. The Property is
17 open and unsecured, thereby allowing transients, wanted felons, parolees and other non-
18 residents unfettered access to the premises in order to purchase narcotics at all hours of the
19 day and night. These individuals wander the hallways and loiter in the bathrooms or kitchen
20 area of the Property. Gang members and their associates post themselves on the balcony, in
21 the courtyard and in front of the Property as a way of attracting narcotics buyers, intimidating
22 the community, alerting others to the presence of police and openly claiming the Property as
23 their turf. All of this gang and narcotics activity occurs perilously close to a community
24 recreation center and an elementary school, which are located within 1000 feet of the Property.

25 4. Defendants GUILLERMO H. GONZALEZ and NEREYDA BON GONZALEZ
26 ("Defendants") have co-owned the Property since at least July 21, 1987, yet they have failed to
27 take any action that would eradicate the rampant narcotics and gang nuisance that has existed
28 at the Property for over two decades. During their ownership, two previous abatement lawsuits

1 and four criminal complaints for building code violations were filed against them related to this
2 Property. The long history of neglect, indifference and willful disregard for the rule of law at the
3 Property exhibited by Defendants appeals to the criminal element because it signals that such
4 flagrant illegal activity is condoned and will continue to be tolerated.

5 5. The Property has a well-known reputation within the community as a location
6 where gang members sell narcotics and where individuals can buy and freely use narcotics. It
7 is believed to be the nucleus from where most of the crime in the neighborhood emanates.
8 The Los Angeles Police Department ("LAPD") has devoted considerable resources to
9 suppressing the incessant criminal activity at the Property and continue to do so to this day.

10 II. THE PARTIES AND THE PROPERTY

11 A. Plaintiff

12 6. Plaintiff, the People, is the sovereign power of the State of California designated
13 in California Health and Safety Code section 11571 and California Code of Civil Procedure
14 section 731 to be the complaining party in actions brought to abate, enjoin, and penalize
15 narcotics nuisances and public nuisances, respectively. Furthermore, the City of Los Angeles
16 has a population in excess of 750,000, and as such, California Business and Professions Code
17 section 17204 authorizes Plaintiff, the People, to prosecute actions for relief under California
18 Business and Professions Code section 17200, *et seq.* for unlawful competition.

19 B. The Defendants

20 7. Defendants, GUILLERMO H. GONZALEZ and NEREYDA BON GONZALEZ
21 have been co-owners of the Property since at least July 21, 1987. Under their ownership the
22 Property has devolved into a lawless and chaotic refuge for gang members and narcotics
23 buyers and sellers. Since 1989, the City of Los Angeles (the "City") has sought Defendants'
24 compliance to abate the gang and narcotics nuisance at the Property. The chronology of
25 these actions are summarized as follows:

- 26 • On December 5, 1989, the Los Angeles City Attorney's Office filed a Civil
27 Complaint for abatement of a public nuisance against Defendants in Los
28 Angeles Superior Court, case C745556.

- On January 11, 1990, the Court granted an injunction in that case.

1 The injunction enjoined Defendants from allowing the Property to
2 be used for the purposes of unlawfully selling, serving, storing,
3 keeping, manufacturing or giving away any controlled substance,
4 as well as managerial and physical improvements to prevent any
5 further nuisance activity.

- 6 • In June 1997, the Los Angeles City Attorney's Office held a case
7 conference with Defendants, notifying them that narcotics activity
8 was still occurring at the Property and that, according to LAPD,
9 between March 1995 and June 1996, several narcotics-related
10 arrests had occurred.
- 11 • From 1997 through 2004, the gang and narcotics activity at the
12 Property continued, including numerous incidents of narcotics
13 possession and sales, weapons possession, batteries, assaults
14 with a deadly weapon and drinking in public.
- 15 • On December 17, 2004, the Los Angeles City Attorney's Office filed a second
16 complaint for abatement of a public nuisance against Defendants
17 GUILLERMO H. GONZALEZ AND NEREYDA BON GONZALEZ in Los
18 Angeles Superior Court, case BC331589:
 - 19 • The complaint alleged violations of the Narcotics Abatement Law,
20 California Health and Safety Code Section 11570, *et seq.*
 - 21 • After service of the complaint, at least seven (7) arrests for
22 narcotics sales, narcotics possession and drinking in public
23 occurred at the Property in 2005.
 - 24 • On November 7, 2005 the parties entered into a Stipulated Final
25 Judgment and a four-year injunction. The injunction enjoined the
26 Defendants from allowing the Property to be used for the purposes
27 of unlawfully selling, serving, storing, keeping, manufacturing or
28 giving away any controlled substance. The injunction also required
the Defendants to strictly screen all tenants and to prevent any
tenant, guest or visitor from engaging in any illegal drug activity
while on the Property. The injunction was to expire on November
7, 2009.
 - During the four-year term of the injunction Defendants failed to
abide by the injunction and at least seven (7) incidents of narcotics-
related activity occurred at the Property, thereby confirming the
injunction did not result in the abatement of the nuisance.
 - On November 5, 2009, the Los Angeles City Attorney's Office
sought to extend the injunction for an additional two years. On

1 February 5, 2010, the Court signed the Order, extending the
2 injunction until November 7, 2011.

3 • During this two-year extension, there were approximately fourteen
4 (14) arrests at the Property for narcotics sales and possession,
5 discharging of a firearm, assault with a deadly weapon and drinking
6 in public.

7 8. Since the expiration of that injunction in November 2011, there have been at
8 least fifteen (15) documented incidents of narcotics sales and possession, assaults with a
9 deadly weapon, robbery, discharge of a firearm, brandishing a weapon and drinking alcohol in
10 public at the Property. Most recently, on April 21, 2017 and May 3, 2017, during an LAPD
11 investigation, methamphetamine was purchased from an individual at the Property. On May
12 10, 2017, LAPD executed another search warrant at the Property and methamphetamine was
13 recovered. It is clear that the narcotics activity is ongoing, just as it has been for over the past
14 two decades. Despite the City of Los Angeles' multiple attempts over this time to obtain
15 Defendants' compliance in abating the nuisance, the narcotics activity continues to occur day
16 after day, month after month and year after year.

17 9. In addition to the previous civil prosecutorial actions, Defendants have been
18 criminally prosecuted for multiple housing code violations by the Los Angeles Housing
19 Enforcement Unit of the City Attorney's Office. These prosecutions resulted in criminal
20 convictions in 1989, 1998, 2003 and 2015 against GUILLERMO H. GONZALEZ, who is
21 currently awaiting a probation violation hearing for violations at the Property that occurred in
22 2016. NEREYDA BON GONZALEZ was also convicted of multiple housing code violations in
23 1998.

24 10. The intent of this prosecution is to finally bring an end to the lawlessness, chaos
25 and chronic criminal activity by seeking an order requiring Defendants to live at the Property,
26 the appointment of a receiver and closure of the Property pending trial.

27 11. The true names and capacities of defendants sued herein as Does 1 through 50,
28 inclusive, are unknown to Plaintiff, who therefore sues said Defendants by such fictitious
names. When the true names and capacities of said defendants have been ascertained,

1 Plaintiff will seek leave of Court to amend this complaint and to insert in lieu of such fictitious
2 names the true names and capacities of said fictitiously named defendants.

3 **C. The Property**

4 12. The Property's legal description is "LOT 16, BLOCK 4 OF JEFFERIES
5 AVENUE TRACT, IN THE CITY OF LOS ANGELES, AS PER MAP RECORDED IN BOOK 8
6 PAGE 10 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY",
7 Assessor's Parcel Number 5446-012-016.

8 **III. THE NARCOTICS ABATEMENT LAW**

9 13. The abatement of a nuisance is a long established and well-recognized exercise
10 of the state's police power. (*People v. Barbieri* (1917) 33 Cal.App. 770, 775; *People ex rel.*
11 *Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563.) Since its enactment in 1972, the
12 principal purpose of the NAL (Health & Saf. Code, § 11570, *et seq.*) is the abatement of
13 buildings and places "used for the purpose of unlawfully selling, serving, storing, keeping,
14 manufacturing, or giving away any controlled substance, precursor, or analog specified in this
15 division" (Health & Saf. Code, § 11570.)

16 14. The NAL provides that every building or place used for the purpose of unlawfully
17 selling, serving, storing, keeping, manufacturing, or giving away any controlled substance,
18 precursor, or analog *inter alia*, "is a nuisance which **shall** be enjoined, abated, and
19 prevented . . . whether it is a public or private nuisance." (Health & Saf. Code, § 11570
20 (emphasis added); *People ex rel Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1389; *Lew v.*
21 *Superior Court* (1993) 20 Cal.App.4th 866, 870-871.)

22 15. Health and Safety Code section 11571 authorizes a city attorney to bring an
23 action to abate, prevent and perpetually enjoin such nuisances. It provides in relevant part:
24 "Whenever there is reason to believe that a nuisance as described in Section 11570 is kept,
25 maintained, or exists in any county, the district attorney of the county, or the city attorney of
26 any incorporated city or of any city and county, in the name of the people, may . . . maintain an
27 action to abate and prevent the nuisance and perpetually to enjoin the person conducting or
28

1 maintaining it, and the owner, lessee, or agent of the building or place in or upon which the
2 nuisance exists from directly or indirectly maintaining or permitting the nuisance.”

3 16. Health and Safety Code section 11573(a) provides that: “If the existence of the
4 nuisance is shown in the action to the satisfaction of the court or judge, either by verified
5 complaint or affidavit, the court or judge **shall** allow a temporary restraining order or injunction
6 to abate and prevent the continuance or recurrence of the nuisance.” (Emphasis added). In
7 addition, Health and Safety Code section 11581 provides, as an additional remedy, for the
8 removal and sale of all fixtures and movable property on the premises used in aiding or
9 abetting the nuisance and for the closure of the building for up to one year. Health and Safety
10 Code section 11573.5(b) also provides that an injunction issued pursuant to 11573 may
11 include closure of the premises pending trial when a prior order does not result in the
12 abatement of the nuisance.

13 IV. THE PUBLIC NUISANCE LAW

14 17. The Public Nuisance Law (“PNL”), Civil Code section 3479, defines a public
15 nuisance as “[a]nything which is injurious to health, including, but not limited to, the illegal sale
16 of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free
17 use of property, so as to interfere with the comfortable enjoyment of life or property...”. (See
18 *City of Bakersfield v. Miller* (1966) 64 Cal.2d 93, 99 (“The Legislature has defined in general
19 terms the word ‘nuisance’ in Civil Code section 3479...”).)

20 18. Civil Code section 3480 defines a public nuisance as “one which affects at the
21 same time an entire community or neighborhood, or any considerable number of persons,
22 although the extent of the annoyance or damage inflicted upon individuals may be unequal.”

23 19. In particular, gang activity, such as drug dealing, loitering, consumption of alcohol
24 and illegal drugs, and boisterous conduct which creates a “hooligan-like atmosphere”
25 constitutes a public nuisance. (*People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1120.)
26 Furthermore, case law is “replete with examples” of the “threat violent street gangs ... pose to
27 the safety of peaceful Californians.” (*Castaneda v. Olsher* (2007) 41 Cal.4th 1205, 1216.) In
28 a case involving gang-related gunfire, the California Supreme Court explicitly recognized that

1 "[s]treet gang activity can often subject" innocent bystanders "to unacceptable levels of risk."
2 (*Id.*) In *Medina v. Hillshore Partners* (1995) 40 Cal.App.4th 477, 486, involving a wrongful
3 death claim by the mother of a young man shot by gang members at an apartment complex,
4 the Court said, "We agree that the congregation of gangs poses a foreseeable risk of harm to
5 the public." In particular, the whole spectrum of typical street gang conduct, ranging from
6 loitering, to public drinking and boisterousness, to drug dealing, to gunfire, has been held to
7 "easily meet the statutory standard" for a public nuisance under Civil Code section 3479.
8 (*People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1120.)

9 20. Civil Code section 3491 provides for the methods by which public nuisances
10 such as those alleged herein may be abated. Civil Code section 3491 states that the
11 "remedies against a public nuisance are indictment or information, a civil action or abatement."
12 Abatement is "accomplished by a court of equity by means of an injunction proper and suitable
13 to the facts of each case." (*Sullivan v. Royer* (1887) 72 Cal. 248, 249; see also *People v.*
14 *Selby Smelting and Lead Co.* (1912) 163 Cal.84, 90 ("[I]n California, the rule is well established
15 that in proper cases injunctive relief which accomplishes the purposes of abatement without its
16 harsh features is permissible.").)

17 21. Code of Civil Procedure section 731 authorizes a city attorney to bring an action
18 to enjoin or abate a public nuisance. It provides, in relevant part, "[a] civil action may be
19 brought in the name of the people of the State of California to abate a public nuisance . . . by
20 the city attorney of any town or city in which such nuisance exists."

21 22. Where "a building or other property is so used as to make it a nuisance under the
22 statute, the nuisance may be abated . . . , notwithstanding that the owner had no knowledge
23 that it was used for the unlawful purpose constituting a nuisance." (*People ex rel. Bradford v.*
24 *Barbiere* (1917) 33 Cal.App. 770, 779; see also *Sturges v. Charles L. Harney, Inc.* (1958) 165
25 Cal.App.2d 306, 318 ("a nuisance and liability therefore may exist without negligence"); *People*
26 *v. McCadden* (1920) 48 Cal.App. 790, 792 ("A judgment supported on findings that such
27 nuisance was conducted and maintained on the premises in question, regardless of the
28 knowledge of the owner thereof, is sufficient. Such knowledge on the part of the owner . . . is

unnecessary."); *People v. Peterson* (1920) 45 Cal.App. 457, 460 ("[I]t was not necessary . . . for the trial court to find either, that the [defendants] threatened, and unless restrained, would continue to maintain, aid, and abet, the nuisance, or that they knew the building was used in violation of the act. . . . The existence of the nuisance was the ultimate fact in this case, and having been found, supports the judgment.".) This is because "the object of the act is not to punish; its purpose is to effect a reformation of the property itself." (*People v. Bayside Land Co.* (1920) 48 Cal.App. 257, 261.)

V. UNFAIR COMPETITION LAW

23. The practices forbidden by the state Unfair Competition Law at Business and Professions Code section 17200 *et seq.* ("UCL") include any practices forbidden by law, be they criminal, federal, state, municipal, statutory, regulatory or court-made. As the California Supreme Court has explained, the UCL "'borrows' violations of other laws and treats them as unlawful practices independently actionable under section 17200 *et seq.*" (*South Bay Chevrolet v. General Motors Acceptance Corp.* (1999) 72 Cal.App.4th 861, 880 (internal citations and quotation marks omitted)).

24. As proscribed by the UCL, "[a]n 'unlawful business activity' includes anything that can properly be called a business practice and that at the same time is forbidden by law." (*People v. McKale* (1979) 25 Cal.3d 626, 632.) The ownership and operation of a large rental apartment complex, such as the Property, by sophisticated nonresident owners and managers doing so for the purposes of profit, is, axiomatically, a business under the UCL. (See *People ex. rel. City of Santa Monica v. Gabriel* (2010) 186 Cal.App.4th 882, 888 ["The renting of residential housing is a business."].) Thus, when a property owner conducts, maintains or permits a nuisance that is unlawful under the PNL and NAL to exist on the premises of such a property, it is a violation of the UCL.

25. Moreover, the UCL casts a broad net. "Any person performing or proposing to perform an act of unfair competition may be enjoined . . ." (Bus. & Prof. Code, § 17203; emphasis added.) The term person includes "natural persons, corporations, firms, partnerships, joint stock companies, associations and other organizations of persons." (Bus. &

1 Prof. Code, § 17201.) The courts have expanded section 17200's net beyond direct liability to
2 include common law doctrines of secondary liability where the liability of each defendant is
3 predicated on his or her personal participation in the unlawful practices. (*People v. Toomey*
4 (1985) 157 Cal.App.3d 1, 14; *Emery v. Visa Int'l Service Ass'n* (2002) 95 Cal.App.4th 952,
5 960.)

6 26. Civil actions under the UCL may be brought in the name of the People of the
7 State of California by any city attorney of a city having a population in excess of 750,000 (Bus.
8 & Profs. Code, § 17204), such as the City of Los Angeles. A public entity may bring a civil
9 enforcement action pursuant to section 17200 based on violations of its own municipal code,
10 state law, or other local ordinance. (*People v. Thomas Shelton Powers, M.D., Inc.* (1992) 2
11 Cal.App.4th 330, 338-339.)

12 27. Defendants engaging in violations of the UCL may be enjoined in any court of
13 competent jurisdiction. (Bus. & Profs. Code, § 17203.) A court may make such orders or
14 judgments, including appointment of a receiver, as may be necessary to prevent the use or
15 employment of any practice constituting unfair competition. (*Id.*)

16 28. Although no case has specifically been called upon to define the term "business"
17 in section 17200, courts have frequently given a broad reading to the provisions of the UCL so
18 as to effect its broad remedial purposes. (See, e.g., *Barquis v. Merchants Collection Ass'n*
19 (1972) 7 Cal.3d 94, 111-113.) An enterprise engaged entirely in criminal conduct such as the
20 manufacture of illegal drugs or obscene matter is a business for purposes of section 17200.
21 (*People v. EWAP, Inc.* (1980) 106 Cal.App.3d 315, 320-321.) Moreover, recent amendments
22 to section 17200 make clear that even a one-time act of misconduct can constitute a violation
23 of the UCL. (*Klein v. Earth Elements, Inc.* (1997) 59 Cal.App.4th 965, 969.)

24 29. Further, the ownership and operation of a rental apartment complex is,
25 axiomatically, a business. (See *People ex rel. City of Santa Monica v. Gabriel* (2010), 186
26 Cal.App.4th 882, 888 ("The renting of residential housing is a business."); see also *Barquis v.*
27 *Merchants Collection Ass'n*, (1972) 7 Cal.3d 94, 111-113 (giving a broad meaning of the UCL
28 so as to effect its broad remedial purposes)). Thus, when a property owner conducts,

1 maintains or permits a nuisance that is unlawful under the NAL and/or PNL to exist on the
2 premises of such a business, it is a violation of the UCL. (See *San Francisco v. Sainez* (2000)
3 77 Cal.App.4th 1302, 1323.)

4 **VI. FIRST CAUSE OF ACTION FOR NARCOTICS ABATEMENT**

5 **[Health and Safety Code Section 11570, *et seq.*]**

6 **Against All Defendants and DOES 1 through 50]**

7 30. Plaintiff hereby incorporates by reference paragraphs 1 through 29 of this
8 Complaint and makes them part of the First Cause of Action, as if fully set forth herein.

9 31. Since at least 1989, the Property has been, and *currently* is being used for the
10 purposes of unlawfully selling, serving, storing, keeping, manufacturing or giving away
11 controlled substances in violation of Health and Safety Code section 11570, *et seq.*

12 32. Defendants GUILLERMO H. GONZALEZ and NEREYDA BON GONZALEZ, and
13 DOES 1 through 50, are responsible for conducting, maintaining, and/or directly or indirectly
14 permitting the nuisance as alleged herein. Plaintiff has no plain, speedy and adequate remedy
15 at law and unless Defendants, and DOES 1 through 50, are restrained and enjoined by order
16 of this Court, they will continue to use, occupy and maintain, and/or to aid, abet or permit,
17 directly or indirectly, the use, occupation and maintenance of the Property, together with the
18 fixtures and appurtenances located therein, for the nuisance complained of herein, to the great
19 and irreparable damage of the public and in violation of California law.

20 **VII. SECOND CAUSE OF ACTION FOR PUBLIC NUISANCE**

21 **[Civil Code section 3479, *et seq.*]**

22 **Against All Defendants and DOES 1 through 50]**

23 33. Plaintiff hereby incorporates by reference Paragraphs 1 through 32 of this
24 Complaint and makes them part of this Second Cause of Action as though fully set forth
25 herein.

26 34. Since at least 1989, through the present time, the Property has been owned,
27 operated, occupied, used, and/or directly or indirectly permitted to be occupied and used, in
28 such a manner as to constitute a public nuisance in violation of Civil Code sections 3479 and

1 3480. The public nuisance, as described herein, is injurious to health, indecent or offensive to
2 the senses, and/or an obstruction to the free use of property, so as to substantially and
3 unreasonably interfere with the comfortable enjoyment of life or property by those persons
4 living in the surrounding community. The public nuisance consists of, but is not limited to, the
5 constant, menacing, intimidating, violent and disorderly presence of resident and non-resident
6 gang members and/or their associates at the Property; the sale and possession of rock
7 cocaine, heroin, methamphetamine and marijuana at the Property; the presence of transients,
8 parolees, wanted felons and other non-residents at the Property who purchase narcotics
9 and/or drink alcohol openly in the front of the Property day and night.

10 35. Defendants, and DOES 1 through 50, in owning, conducting, maintaining, and/or
11 permitting the use of the Property, directly or indirectly, as a public nuisance, have engaged in
12 wrongful conduct and caused a serious threat to the general health, safety and welfare of the
13 law-abiding tenants at the Property and persons in the area surrounding the Property.

14 36. Unless Defendants, and DOES 1 through 50, are restrained and enjoined by
15 order of this Court, they will continue to use, occupy and maintain, and to aid, abet or permit,
16 directly or indirectly, the use, occupation, and maintenance of the Property, together with the
17 fixtures and appurtenances located therein, for the purpose complained of herein, to the great
18 and irreparable damage of Plaintiff and in violation of California law.

19 **VIII. THIRD CAUSE OF ACTION FOR UNFAIR COMPETITION**

20 **[Business and Professions Code Section 17200, et seq. --**

21 **Against All Defendants and DOES 1 through 50]**

22 37. Plaintiff hereby incorporates by reference paragraphs 1 through 36 of this
23 Complaint and makes them part of this Third Cause of Action, as if fully set forth herein.

24 38. Ownership and rental of residential housing, such as the Property is a business.
25 When the owner and/or manager of such a business violates the NAL and/or PNL such that a
26 nuisance exists and flourishes at the premises, as alleged herein, it is also a violation of the
27 UCL.

28 39. Defendants and DOES 1-50 have violated the UCL by engaging in the following

1 unlawful or unfair business acts and practices: conducting, maintaining and/or permitting,
2 directly or indirectly, narcotics activity at the Property amounting to violations of the NAL as
3 alleged herein; and/or conducting, maintaining and/or permitting, directly or indirectly, narcotics
4 and other gang-related criminal and/or nuisance activity at the Property, as alleged herein, in
5 violation of the PNL.

6 40. Plaintiff has no adequate remedy at law, and unless Defendants and DOES 1-50
7 are restrained by this Court they will continue to commit unlawful business practices or acts,
8 thereby causing irreparable injury and harm to the public's welfare.

9 **PRAYER**

10 **WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND**
11 **DECREE AS FOLLOWS:**

12 **AS TO THE FIRST CAUSE OF ACTION**

13 1. That Defendants, DOES 1 through 50, and the Property, be declared in violation
14 of Health and Safety Code section 11570, *et seq.*

15 2. That the Court order Defendants GUILLERMO H. GONZALEZ and NEREYDA
16 BON GONZALEZ to reside at the Property until the nuisance is abated, in accordance with
17 California Health and Safety Code section 11573.5(f)(1)(H).

18 3. That the Property, together with the fixtures and moveable property therein and
19 thereon, be found to constitute a public nuisance and be permanently abated as such in
20 accordance with Section 11581 of the California Health and Safety Code.

21 4. That the Court grant a preliminary injunction, permanent injunction and order of
22 abatement in accordance with Section 11570, *et. seq.* of the California Health and Safety
23 Code, enjoining and restraining each Defendant and their agents, officers, employees and
24 anyone acting on their behalf, from unlawfully selling, serving, storing, keeping, manufacturing,
25 or giving away controlled substances on the Property, and/or directly or indirectly maintaining
26 or permitting such nuisance activity.

27 5. That the court order physical and managerial improvements to the Property in
28 accordance with Health and Safety Code section 11573.5, and such orders as are otherwise

1 appropriate, to remedy the nuisance on the Property and enhance the abatement process,
2 including but not limited to, the following: an internet-connected video monitoring system
3 accessible by LAPD; improved lighting; sufficiently secure gating and fencing; improved tenant
4 screening and lease enforcement procedures; armed, licensed security guards; and prohibiting
5 known gang members from accessing the Property.

6 6. That as part of the Judgment, an Order of Abatement be issued, and the
7 Property be closed for a period of one year, not to be used for any purpose, and be under the
8 control and custody of this Court for said period of time; that relocation benefits be paid by the
9 owners to any tenant displaced due to said closure, pursuant to the Los Angeles Municipal
10 Code and any other applicable laws. In the alternative, if the Court deems such closure to be
11 unduly harmful to the community, that Defendants, and DOES 1 through 50, pay an amount of
12 damages equal to the fair market rental value of the Property for one year to the City or County
13 in whose jurisdiction the nuisance is located in accordance with Health and Safety Code
14 section 11581 subdivision (c)(1).

15 7. That each Defendant and Does 1-50 each be assessed a civil penalty in an
16 amount not to exceed twenty-five thousand dollars (\$25,000.00) each.

17 8. That all fixtures and moveable property used in conducting, maintaining, aiding or
18 abetting the nuisance at the Property be removed by the LAPD and sold in the manner
19 provided for the sale of chattels under execution. Said fixtures and property shall be
20 inventoried and a list prepared and filed with this court.

21 9. That there shall be excepted from said sale, such property to which title is
22 established in some third party not a defendant, nor agent, officer, employee or servant of any
23 defendant in this proceeding.

24 10. That the proceeds from said sale be deposited with this court for payment of the
25 fees and costs of sale. Such costs may occur in closing said Property and keeping it closed,
26 removal of said property, and Plaintiff's costs in the Action, including attorneys' fees, and such
27 other costs as the Court shall deem proper.

28 11. That if the proceeds of the sale do not fully discharge all such costs, fees and

1 allowances, the Property shall also be sold under execution issued upon the order of the court
2 or judge and the proceeds of such sale shall be applied in a like manner. That any excess
3 monies remaining after payment of approved costs shall be delivered to the owner of said
4 Property. Ownership shall be established to the satisfaction of this court.

5 12. That Defendants, DOES 1 through 50, and any agents, trustees, officers,
6 employees and anyone acting on their behalf, and their heirs and assignees, be perpetually
7 enjoined from transferring, conveying, or encumbering any portion of the Property, for
8 consideration or otherwise, without first obtaining the Court's prior approval.

9 13. That Defendants, and DOES 1 through 50, be ordered to immediately notify any
10 transferees, purchasers, commercial lessees, or other successors in interest to the subject
11 Property of the existence and application of any temporary restraining order, preliminary
12 injunction, or permanent injunction to all prospective transferees, purchasers, commercial
13 lessees, or other successors in interest, *before* entering into any agreement to sell, lease or
14 transfer the Property, for consideration or otherwise, all or any portion of the Property that is
15 the subject of this Action.

16 14. That Defendants, and DOES 1 through 50, be ordered to immediately give a
17 complete, legible copy of any temporary restraining order and preliminary and permanent
18 injunctions to all prospective transferees, purchasers, lessees, or other successors in interest
19 to the Property.

20 15. That Defendants, and DOES 1 through 50, be ordered to immediately request
21 and procure signatures from all prospective transferees, purchasers, lessees, or other
22 successors in interest to the subject Property, which acknowledges his/her respective receipt
23 of a complete, legible copy of any temporary restraining order, preliminary and permanent
24 injunction, and deliver a copy of such acknowledgment to the Los Angeles City Attorney's
25 Office, c/o Deputy City Attorney Kim Erickson or her designee.

26 16. That Plaintiff recover the costs of this action, including law enforcement
27 investigative costs and any fees, including attorneys' fees, authorized by law, not to exceed
28 \$1,000,000.00, from Defendants and DOES 1 through 50.

[illegible]

2. That the Property, together with the fixtures and moveable property therein and thereon, be declared a public nuisance and be permanently abated as such in accordance with Civil Code section 3491.

4. Such costs as may occur in abating said nuisance at the Property and such other costs as the Court shall deem just and proper.

AS TO THE THIRD CAUSE OF ACTION

2. That each Defendant, as well as their, agents, heirs, successors, and anyone acting on their behalf, be permanently enjoined from maintaining, operating, or permitting any unlawful or unfair business acts or practices in violation of Business and Professions Code section 17200.

16

1 4. That, pursuant to Business and Professions Code section 17206, each
2 Defendant be assessed a civil penalty of Two Thousand Five Hundred Dollars (\$2,500) for
3 each and every act of unfair competition.

4 5. That, pursuant to the Court's equitable power and Business and Professions
5 Code section 17203, the Court make such orders or judgments, including appointment of a
6 receiver, to eliminate the unfair competition alleged herein.

7 **AS TO ALL CAUSES OF ACTION**


8 1. That Plaintiff recover the amount of the filing fees and the amount of the fee for
9 the service of process or notices which would have been paid but for Government Code
10 section 6103.5, designating it as such. The fees may, at the Court's discretion, include the
11 amount of the fees for certifying and preparing transcripts.

12 2. That Plaintiff be granted such other and further relief as the Court deems just and
13 proper.

14
15
16 DATED: May 12, 2017

Respectfully submitted,

17 MICHAEL N. FEUER, City Attorney
18 MARY CLARE MOLITOR, Chief, Crim. & Spec. Lit. Branch
19 TINA HESS, Dep. Chief, Safe Neighborhoods & Gang Div.
20 JONATHAN CRISTALL, Superv. Assist. City Attorney
21 KIMBERLY A. ERICKSON, Deputy City Attorney

22 By: 
23 KIMBERLY A. ERICKSON
24 Attorneys for Plaintiff, THE PEOPLE OF THE
25 STATE OF CALIFORNIA
26
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